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**DEPARTMENTS OF JUSTICE, HOMELAND SECURITY ANNOUNCE  
CHILD PORNOGRAPHY FILE-SHARING CRACKDOWN  
Law Enforcement Initiative Targets Child Pornography Over Peer-To-Peer  
Networks**

WASHINGTON, D.C. - The Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security's U.S. Immigration and Customs Enforcement, and the Internet Crimes Against Children (ICAC) Task Forces today announced a national law enforcement initiative aimed at combating the growing volume of illegal child pornography distributed through peer-to-peer (P2P) file trafficking computer networks.

Attorney General John Ashcroft, Assistant Attorneys General Christopher A. Wray of the Criminal Division and Deborah Daniels of the Office of Justice Programs, Department of Homeland Security Assistant Secretary for Immigration and Customs Enforcement Michael J. Garcia, FBI Deputy Assistant Director Keith Lourdeau, Office of Juvenile Justice and Delinquency Prevention Administrator J. Robert Flores and Sgt. Scott Christensen of the Nebraska State Patrol announced the initiative at a news conference this afternoon in Washington. The law enforcement operation, which began in the Fall of 2003, has already resulted in the execution of hundreds of searches nationwide, and the identification of thousands of suspect computers used to access the child pornography. The FBI, ICE and the ICACs have opened more than 1,000 domestic investigations into the distribution and possession of child pornography and conducted more than 350 searches.

More than 65 individuals have been arrested and charged with crimes to date as a result of this law enforcement effort, with coordination by the Child Exploitation and Obscenity Section of the Criminal Division at the Department of Justice and U.S. Attorneys' Offices across the country. These cases have charged not only

offenses related to the possession and distribution of child pornography, but also sexual abuse of children. Further, the investigations have identified several individuals who have previously been convicted of sex offenses and several registered sex offenders.

"No one should be able to avoid prosecution for contributing to the abuse and exploitation of the nation's children," said Attorney General Ashcroft. "The Department of Justice stands side-by-side with our partners in the law enforcement community to pursue those who victimize our children under the perceived, but false, cloak of anonymity that the peer-to-peer networks provide."

"This aggressive, multi-jurisdictional enforcement action will help bring justice to those who exploit our children," said Assistant Attorney General Wray. "This is an impressive demonstration of how law enforcement can effectively address the problem of technology being used to commit illicit and abhorrent crimes against children."

"The men and women of state and local law enforcement who comprise the 39 Internet Crimes Against Children task forces are to be commended for their efforts that have resulted in over 50 arrests nationwide," said Deborah Daniels, Assistant Attorney General for the Office of Justice Programs. "The unprecedented cooperation of law enforcement to track the sale and trade of child pornography over the Internet has made this country a safer place for our children."

"Today's announcement sends a clear message that the digital environment will not offer sanctity to those pedophiles who lurk in peer-to-peer networks. We will identify you. We will pursue you. We will bring you to justice," said FBI Director Robert Mueller. "Today's announcement also raises public awareness to the inherent risks associated with file-sharing networks. Parents must know that access to these networks is free and exposure to child pornography is often a frightening reality."

"ICE will use its technical expertise and its legal authorities to target those who would purchase child pornography over the internet or trade in those despicable images," said Michael J. Garcia, Department of Homeland Security Assistant Secretary for Immigration and Customs Enforcement. "By partnering with our colleagues at the Department of Justice and in local and state law enforcement, we will uncover these transactions and bring the offenders out of the anonymity of cyberspace and into a court of law."

"As individuals we have a responsibility to provide love and guidance to our children; as a society, we have a collective duty to defend our children from predators who would stalk them," said J. Robert Flores, Administrator for the

Office of Juvenile Justice and Delinquency Prevention. "The Internet Crimes Against Children task forces were developed to prevent child abuse and punish abusers and this joint effort between local and federal law enforcement will send a strong message to those who would exploit our children."

The multi-agency, multi-jurisdictional P2P initiative, combining the resources of federal, state and local law enforcement, is part of an ongoing effort to keep pace with emerging technologies that are being used to commit, facilitate and even hide crimes. Unlike traditional computer networks, which employ the use of a server to exchange files, peer-to-peer networks allow users to connect their computers directly to one another, without the use of a central server. Once a user installs a peer-to-peer software application on his or her computer, he or she can directly access and search the files designated for distribution on any of the computers that are using the network at that moment in time, and then download desired files to his or her computer.

Investigators and agents from the participating agencies used several techniques - including undercover work - to infiltrate the P2P networks and identify those who have distributed and taken possession of child pornography images.

Several cases illustrate the scope of the P2P law enforcement operation:

- Investigators in California, working with the Wyoming Department of Justice, identified a P2P client named Pedokiller. Jimmy Richard Morrison, a 40-year-old male who lived with his parents, had countless images of underage girls on the wall of his bedroom. A search of his computer revealed thousands of images of child pornography, along with photos and videos from actual victims. Morrison admitted knowingly distributing images of child pornography, and when asked why he used the P2P network to distribute images, he replied, "Because the cops are in the chat rooms." Morrison was indicted in the Federal District Court of Wyoming for distribution of child pornography, and also charged with other criminal offenses in California. The suspect is in custody in Wyoming pending trial.

- Following a P2P investigation by the Nebraska State Patrol, Jeremiah Zalesky of Lincoln, Nebraska, was arrested on state charges of sexually assaulting a child after evidence developed that Zalesky allegedly molested the young daughter of a couple with whom he had been staying. A subsequent search of his computer found 10 images of child pornography.

- An FBI investigation in New York led to the identification of a subject who allegedly distributed, received and possessed child pornography using P2P networks. The investigation also found that the subject, Matthew Fling, allegedly

molested two girls, ages 6 and 8, during the past four years. An examination of the subject's computer revealed hundreds of child pornographic images and movies. In February 2004, Fling was indicted in the Northern District of New York on federal charges child pornography charges, and he was arrested in March 2004. State Police officials are handling the sexual abuse allegations.

- Earlier this week, a federal grand jury in Houston, Texas, indicted 28-year-old Stephen Alan Gardner on charges of distributing images of child pornography from his home computer, and possession of child pornography. According to court documents, a file containing movies depicting children being sexually assaulted had been made available for sharing from a computer at Gardner's home using a P2P software program. Gardner is currently being held without bond in the Harris County, Texas, jail on charges filed in the state of Colorado involving the sexual assault of a six-year-old child.

- During the course of a multi-state investigation, ICE agents in Arizona received child pornography from a peer-to-peer application user who they later identified as 19-year-old Marlon Winston. During the investigation, Winston indicated that he started using peer-to-peer applications to access music, but later moved on to images and movies of child pornography. Winston used simple search terms to find the materials, and noted that his habit grew by "just clicking" image after image. Winston was arrested in December 2003, and pleaded guilty to child pornography charges in February of this year. On May 12, 2004, Winston was sentenced to 37 months in prison and three years' supervised release. Winston will be required to register as a sex offender upon his release from prison.

Individuals arrested and charged in connection with this initiative are, of course, presumed innocent until proven guilty in a court of law. The maximum federal sentence for the distribution of child pornography is 20 years in prison. The PROTECT Act, enacted on April 30, 2003, also created a mandatory minimum sentence of five years in prison for this crime. If an individual committed a prior sex abuse offense, the mandatory minimum is 15 years in prison and the statutory maximum is 40 years.

The following is a brief rundown of the roles played by various agencies in the P2P operation:

### **Internet Crimes Against Children Task Forces**

In 1998, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Department of Justice funded ICAC Task Forces in jurisdictions all over the country. There are 39 task forces comprised of more than 175 law enforcement agencies.

The 39 ICAC Task Forces conducted an undercover investigation code-named "Operation Peerless" to investigate the distribution of child pornography over the Internet. Undercover operations have identified more than 3,000 computers worldwide sharing child pornography using the P2P networks. To date, ICACs efforts have resulted in the execution of more than 196 search warrants, and 50 arrests.

### **U.S. Immigration and Customs Enforcement, Department of Homeland Security**

In September 2003, investigators at the ICE Cyber Crime Center in Virginia initiated a P2P operation known as "Operation Peer Pursuit" to target individuals who exchange child pornography images over the Internet using P2P networks.

Working with investigators in ICE offices nationwide, ICACs and other law enforcement agencies, ICE investigators have opened 213 cases, identified 46 foreign leads, executed 72 search warrants and arrested 10 individuals responsible for trading tens of thousands of images of child pornography.

Operation Peer Pursuit is an outgrowth of Operation Predator, ICE's comprehensive, nationwide initiative designed to protect young people from pedophiles, human traffickers and other predatory criminals. Since its inception in July 2003, Operation Predator has resulted in the arrest of more than 2,600 child sex predators nationwide.

### **The Federal Bureau of Investigation**

As part of the FBI's P2P operation, codenamed "Peer Pressure," FBI agents and prosecutors from the Child Exploitation and Obscenity Section of the Justice Department developed a protocol for investigating the distribution of images of child pornography through P2P networks. Agents, acting in an undercover capacity, were able to successfully conduct 166 on-line sessions in P2P networks, targeting individuals who were openly offering multiple child pornography images. Of the 106 subjects identified as a result of the FBI investigation, 32 were determined to have had access to children, three were registered sex offenders and 23 had criminal histories. Most importantly, FBI agents identified and rescued eight children who had been molested.

The FBI operation has led to 103 searches to date, the arrest of seven subjects and nine indictments.

**The Child Exploitation and Obscenity Section of the Criminal Division, U.S. Attorneys' Offices**

Through the coordinated efforts of the Child Exploitation and Obscenity Section of the Criminal Division and 29 U.S. Attorneys' Offices across the country, more than a dozen federal criminal charges have been brought against those involved in child pornography trafficking over P2P networks.

For further information about the P2P operations, please contact the following offices:

- Department of Justice, Office of Public Affairs, (202) 514-2007
- Office of Justice Programs, for information about ICAC, Office of Communications, (202) 307-0703
- Federal Bureau of Investigation, Office of Public Affairs, (202) 324-3691
- Department of Homeland Security's Immigration and Customs Enforcement, (202)514-2648